

**IN THE UNITED STATES PATENT AND**

**TRADEMARK OFFICE**

**In the application of** : Sparks, Adrian  
**Serial No.** : 09/745,890  
**Filed** : December 21, 2000  
**For** : Load Sharing Nodes in a Network  
Utilising Shared Optical Protection  
**Examiner** : Tran, Dzung D  
**Art Unit** : 2633  
**Customer number** : 23644  
**Confirmation No.** : 1275  
**Attorney Docket No.** : 920537-904862

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

Honorable Director of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

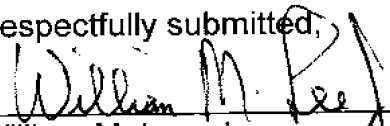
Dear Sir:

In response to the Notice of December 9, 2008 regarding this application, and in view of the trivial error in heading (v), submitted herewith is a copy of the second page of the Brief, having that corrected. As the Notice indicates, the entire Appeal Brief is not being resubmitted, just the page having that minor correction.

An Examiner's Answer is now awaited.

December 9, 2008

Respectfully submitted,

  
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## (ii) Related Appeals and Interferences

There are no related appeals or interferences or judicial proceedings.

## (iii) Status of Claims

This application was filed with claims 1 to 8.

Claims 1 to 8 have been finally rejected by the Examiner. The final rejection of these claims in the final office action of 5 September 2008 is appealed. Claims 1 to 8 as amended during the prosecution of the application, are set forth in the Claims Appendix.

## (iv) Status of Amendments

No amendment or response has been made following final action issued on September 5, 2008.

## (v) Summary of Claimed Subject Matter

The present invention relates generally to optical communications systems. Such systems often have a protection scheme to reroute communications traffic in case of a failure somewhere along an original path, called the working path. As such schemes involve providing alternative paths, called protection paths, they reduce the bandwidth or capacity of the network. If protection paths were provided for every working path, this would halve the network capacity. Where the protection paths are rarely used, it is known to provide fewer protection paths, which are shared between the working paths.

It is known that the rerouting of traffic to the protection path can either be carried out by routers at nodes of the network, or for an individual link between nodes, a protection path and dedicated switches can be provided, without using the routers. This is typically much more expensive, but faster than using the routers. Another problem with routers is that rerouting means that each router table will require updating. This takes a finite time to be initiated and to propagate through